

**DELEGATION OF AUTHORITY
THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)**

Responses

1. **AUTHORITY.** To respond to any release or threatened release of a hazardous substance, pollutant, or contaminant pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, Section 104, and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan."
2. **TO WHOM REDELEGATED.**
 - a. To the Director, Superfund and Emergency Management Division, or equivalent.
 - b. The authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency is redelegated through the Director, Superfund and Emergency Management Division, or equivalent, and through the Branch Chief, Emergency Management Branch, or equivalent, and through the Section Chiefs, Emergency Response Section and Spill Prevention and Removal Section, or equivalents, to On-Scene Coordinators.
 - c. The Administrator reserves the authority to select the remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million.
3. **LIMITATIONS.**
 - a. These authorities shall be exercised subject to approved funding levels.
 - b. The regional administrator, division director, branch chief, section chief, or on-scene coordinator may exercise these authorities only at sites located within the region, unless there is a memorandum of agreement that authorizes cross-boundary emergency response.
 - c. The regional administrator, division director, branch chief, section chief, or on-scene coordinator may select a response action. Consultation prior to selection may be required by memorandum from the AA OLEM.
 - d. Unless waived by memorandum, the AA OLEM must approve the use of the consistency waiver in Section 104(c)(1)(C) of CERCLA for removal actions at sites not proposed to or final on the National Priorities List.
 - e. When the emergency waiver in Section 104(c)(1)(A) is used, the regional administrator or division director must seek approval from the AA OLEM for removal actions costing more than \$6 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA OLEM.
 - f. Unless waived by memorandum, the AA OLEM must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the list of Nationally Significant or Precedent-Setting Removal Action categories.
 - g. The clearance or approval of the form, text, and legal sufficiency of each legally operative document issued pursuant to this delegation must be obtained from an appropriate branch chief in the Office of Regional Counsel before signing and issuing such document.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the section chief level, or equivalent, and no further.
- b. The authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency may be redelegated to on-scene coordinators.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSSION. This delegation supersedes R10 14-2 (06/26/2017) and any other delegation of the authority.

6. ADDITIONAL REFERENCES.

- a. CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121, and 126(b).
- b. 40 CFR 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions."
- c. EPA Delegation 14-1.
- d. EPA Delegation 14-17.
- e. EPA Delegation 14-22.
- f. EPA Delegation 14-30.
- g. Limited Contracting Officer Warrant Authority issued to designated OSCs.
- h. "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the Director, Office of Emergency and Remedial Response/OLEM will consult with the Director, Office of Site Remediation Enforcement/Office of Enforcement and Compliance Assurance prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-lead action that could exceed \$6 million.
- i. All other directives, policy, and guidance issued by OLEM and OECA pertaining to response and consultation requirements.
- j. EPA Delegation 14-2.

APR 15 2019

Date



Chris Hladick
Regional Administrator